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20 United States of America

21 UNITED STATES DISTRICT COURT

22 FOR THE CENTRAL DISTRICT OF CALIFORNIA

23 WESTERN DIVISION

24 UNITED STATES OF AMERICA,

25 Plaintiff,

26 v.

27 \$55,859.05 IN WELLS FARGO BANK

28 FUNDS AND \$5,566.00 IN U.S.

CURRENCY,

Defendants.

VINCENT R. LEONARDIS AND

SUZANNE M. RAY,

Claimants.

) NO. 2:11-cv-04607-JHN -VBKx

) CONSENT JUDGMENT OF FORFEITURE

///

1        This action was filed on May 27, 2011 against defendants  
2 \$55,859.05 in Wells Fargo Bank Funds and \$5,566.00 in U.S.  
3 currency (collectively referred to as "defendant funds").  
4 Notice was given and published in accordance with law. Claimant  
5 Vincent R. Leonardis filed a claim to the defendant \$55,859.05  
6 in Wells Fargo Bank Funds on September 7, 2011 and an answer on  
7 August 4, 2011. Claimant Suzanne M. Ray filed a claim to the  
8 defendant \$5,566.00 in U.S. currency on September 7, 2011 and an  
9 answer on August 4, 2011. (Vincent R. Leonardis and Suzanne M.  
10 Ray will collectively be referred to as "claimants"). No other  
11 claims or answers have been filed, and the time for filing  
12 claims and answers has expired. The parties have reached an  
13 agreement that is dispositive of this action and hereby request  
14 that the Court enter this Consent Judgment of Forfeiture.

15        **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

16        1. This Court has jurisdiction over the parties and the  
17 subject matter of this action.

18        2. Notice of this action has been given in accordance  
19 with law. All potential claimants to the defendant funds other  
20 than claimants are deemed to have admitted the allegations of  
21 the Complaint. The allegations set out in the Complaint are  
22 sufficient to establish a basis for forfeiture.

23        3. The United States of America shall have judgment as to  
24 \$46,425.05 of the defendant funds, with all interest earned by  
25 the government on the full amount of the defendant funds, and no  
26 other person or entity shall have any right, title or interest  
27 therein. The United States Marshals Service is ordered to  
28 dispose of said asset in accordance with law.

1           4.     The sum of \$10,000.00 only, without interest, shall be  
2 returned to claimant Vincent R. Leonardis by either check or  
3 wire transfer. If the United States elects to make the payment  
4 by check, the check will be payable to "Vincent R. Leonardis and  
5 Sandra J. Applebaum, Attorney Client Trust Account," and mailed  
6 to the Sandra J. Applebaum, Attorney, 1227 Buena Vista Street,  
7 Suite E, Duarte, California 91010. If the United States elects  
8 to make the payment by wire transfer, the funds will be wire  
9 transferred to Sandra J. Applebaum, Attorney Client Trust  
10 Account. Claimants and their attorneys shall provide any and  
11 all information needed to process the return of these funds in  
12 accordance with federal law.

13           5.     The sum of \$5,000.00 only, without interest, shall be  
14 returned to claimant Suzanne M. Ray by either check or wire  
15 transfer. If the United States elects to make the payment by  
16 check, the check will be payable to "Suzanne M. Ray and Sandra  
17 J. Applebaum, Attorney Client Trust Account," and mailed to  
18 Sandra J. Applebaum, Attorney, 1227 Buena Vista Street, Suite E,  
19 Duarte, California 91010. If the United States elects to make  
20 the payment by wire transfer, the funds will be wire transferred  
21 to the Sandra J. Applebaum, Attorney Client Trust Account.  
22 Claimants and their attorneys shall provide any and all  
23 information needed to process the return of these funds in  
24 accordance with federal law.

25           6.     Claimants, and each of them, hereby release the United  
26 States of America, its agencies, agents, officers and attorneys,  
27 including employees and agents of the Federal Bureau of  
28 Investigation, as well as all agents, officers, employees and

1 representatives of any state or local government or law  
2 enforcement agency involved in the investigation or prosecution  
3 of this matter, from any and all claims, actions or liabilities  
4 arising out of or related to the seizure of the defendant funds  
5 or the prosecution of this action, including, without  
6 limitation, any claim for attorney's fees, costs or interest  
7 which may be asserted on behalf of the claimants, or either of  
8 them, whether pursuant to 28 U.S.C. § 2465 or otherwise.

9 7. The court finds that there was reasonable cause for  
10 the seizure of the defendant funds and institution of these  
11 proceedings. This judgment shall be construed as a certificate  
12 of reasonable cause pursuant to 28 U.S.C. § 2465.

13 Dated: December 28, 2011

  
14 HONORABLE JACQUELINE H. NGUYEN  
15 UNITED STATES DISTRICT JUDGE  
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17 **[Signatures of counsel appear on next page.]**  
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CONSENT

The parties hereto consent to the above Consent Judgment of Forfeiture and waive any right of appeal.

DATED: December \_\_, 2011 ANDRÉ BIROTTE JR.  
United States Attorney  
ROBERT E. DUGDALE  
Assistant United States Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

/s/  
\_\_\_\_\_  
KATHARINE SCHONBACHLER  
Assistant United States Attorney  
  
Attorneys for Plaintiff  
United States of America

DATED: December \_\_, 2011  
/s/  
\_\_\_\_\_  
SANDRA J. APPLEBAUM, ESQ.  
  
Attorney for Claimants  
VINCENT R. LEONARDIS and  
SUZANNE M. RAY

DATED: December \_\_, 2011  
/s/  
\_\_\_\_\_  
Claimant VINCENT R. LEONARDIS

DATED: December \_\_, 2011  
/s/  
\_\_\_\_\_  
Claimant SUZANNE M. RAY